IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

CRIMINAL APPEAL NO. 148 OF 2006.
(Old No. 1511/1989)

1. Smt. Sneh Lata Pandey wife of Sri R.S. Pandey r/o village Bkirainghpur, P.S. Bhiti, district Faizabad.
2. Raja Ram son of Sri Ram Lal Dubey, resident of village Khanupur, P.S. Shaidpur, district Faizabad.

….Appellants.

Versus

State of Uttarakhand. ....Respondent.

Sri Manoj Mohan, learned counsel for the appellant No. 1.
Sri Nandan Arya, Learned A.G.A. for the State.

HON'BLE DHARAM VEER, J.

1. This appeal has been filed against the judgment and order dated 12.06.1989 passed by the Special Judge, Anti-corruption U.P. Dehradun, thereby forfeiting the securities of the appellants.

2. Briefly stated, both the appellants stood sureties for accused R.S. Pandey in four cases before the Special Judge, Anti Corruption, Dehradun and have executed sureties for Rs. 5000/- each in all the four cases. Subsequently accused R.S. Pandey has jumped the bail and was declared absconder. Notices to the sureties were issued and their surety bonds were forfeited. However, C.B.I. arrested the accused from Midnapur, Calcutta.

3. The Special Judge has imposed the penalty on the appellants for a sum of Rs. 2000/- in each case and, thus, each of the appellant was required to deposit a total amount of Rs.8000/-.

4. I have heard learned counsel for the appellant No. 1 Mr. Manoj Mohan and Sri Nandan Arya, learned A.G.A. for the State.

5. The learned Special Judge has reduced the amount of penalty to extent of Rs.2000/- from Rs. 5000/- in each case and now the appellants have to pay

Rs. 8000/- each instead of Rs.20,000/- vide order dated 13.06.1989. Against this order the appellants have preferred the present appeal before this Court.

6. After the order dated 12.06.1989 the appellants moved an application before the Additional Sessions Judge/Special Judge, Anti Corruption, Dehradun and the learned Special Judge, Anti Corruption, Dehradun vide order dated 09.10.1992 has excused the abovesaid amount of Rs.8000/- imposed by order dated 12.06.1989. In this way the order dated 12.06.1989 has become rendered infructuous and the appeal filed against the order dated 12.06.1989 has also become infructuous.

7. Learned counsel for the appellant has submitted that the fine has been excused by the order dated 19.10.1992 by the Special Judge, Anti Corruption, Dehradun, hence the order dated 12.06.1989 has no force and the appeal has also become infructuous against the order dated 12.06.1989.

8. On the basis of the above discussion, the appeal is dismissed as infructuous.

(Dharam Veer, J)

Dated: 20.02.2007.

Negi.